

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DEVISION

2007 SEP 4 9:19
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

BARRY RANCALL THOMAS, # 178628 :

PLAINTIFF : CIVIL ACTION No.

V. : 2:07-CV-630-MEF

DR. DARBOUZE, ET. AL. :

DEFENDANTS :

NOTICE OF MOTION ; MOTION FOR EXTENSION
OF TIME.

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT AS OF THE DAY
AND TIME DETERMINED BY THE COURT FILING, THE
PLAINTIFF BARRY RANCALL THOMAS BRINGS A MOTION

FOR EXTENSION OF TIME TO RESPOND TO THE COURT'S
RECOMMENDATION BY THE MAGISTRATE JUDGE DATED
AUGUST 23, 2007. PLAINTIFF WILL MOVE THE COURT
TO GRANT AN EXTENSION OF TIME TO FILE OBJEC-
TIONS TO THE MOTION ON OR BEFORE SEPTEMBER
17, 2007. PLAINTIFF MAKES THIS MOTION DUE TO
LIMITED TIME AVAILABLE TO HIM AT THE PRISON
LIBRARY, BEING PRO SE, REQUESTING THIRD PARTY
ASSISTANCE IN COPYING AND SERVICE, AND RECEIPT
OF DEFENDANTS D'ARBORE AND WILSON ANSWER NOT
UNTIL (AND LATE) THE EVENING OF AUGUST 27, 2007.

THIS MOTION IS BASED ON ALL PAPERS FILED AND
RECORDS IN THIS ACTION AND ON ANY EVIDENCE TO
BE RECEIVED AT A HEARING.

DATED: AUGUST 28, 2007

Barry R. Thomas

BARRY RANDELL THOMAS # 178628 / E2-6A
EASTGLENING CORRECTIONAL FACILITY
200 WALLACE DRIVE
CLIO AL. 36017-2613

MOTION REQUESTING EXTENSION OF TIME TO RE-
SPOND (FILE OBJECTIONS) TO THE DEFENDANTS
RESPONSE TO MOTION FOR PRELIMINARY INJUNG
TION; SPECIAL REPORT; AND ANSWER

PLAINTIFF RESPECTFULLY REQUESTS, PURSUANT TO
FED. R. CIV. P. 6 (b), AN ORDER EXTENDING THE TIME
TO RESPOND TO MAGISTRATES RECOMMENDATION TO ON
OR BEFORE SEPT. 17, 2007

THIS MOTION IS MADE ON THE GROUNDS THAT:

1. PLAINTIFF RECEIVED DEFENDANTS WILSON AND
DARBOUZE ANSWER LATE AND ON THE EVENING OF
AUGUST 27, 2007, FIVE DAYS BEYOND THE DATE OF
SERVICE (AUG. 22, 2007) AND POST MARKED AUG. 28,
2007.

2. PLAINTIFF, WHO IS REPRESENTING HIMSELF PRO
SE BASIS, IS ONLY ALLOWED LAW LIBRARY ACCESS, IF
OPEN, WHEN HIS DORM HAS "YARD CALL". THIS MAY

AVERAGE 4 TO 6 HOURS PER WEEK AND PREVENTS HIM FROM COMPLETING NECESSARY LEGAL RESEARCH REQUIRED TO PROPERLY RESPOND TO THE MAGISTRATES RECOMMENDATION.

3. PLAINTIFF MUST DEPEND UPON MAILING HIS ORIGINALS OUT TO A THIRD PARTY TO COPY AND RETURNING THEM TO HIM TO BE SERVICED. IT IS COMMON FOR THE PRISON MAIL AUTHORITIES TO DENY AND RETURN "LEGAL MAIL" IN LARGE ENVELOPES, DUE TO BEING FROM A "NON-LAWYER". THE PLAINTIFF HAS NO LAWYER.

4. PLAINTIFF HAS REQUESTED NO PREVIOUS EXTENSIONS OF TIME IN THIS MATTER AND TO DATE, ALL OF HIS FILINGS WITH THE COURT HAVE BEEN MADE IN A TIMELY MANNER.

RESPECTFULLY SUBMITTED THIS 28TH DAY OF AUG. 2007.

BY: Barry R. Thomas

BARRY RANDALL THOMAS #178628/E2-6A
EASTERLING CORR. FAC.
200 WALLACE DR.
CLIO AL. 36017-2613

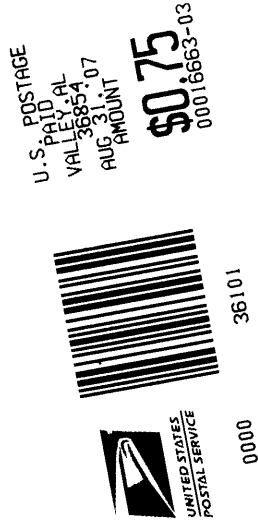
CERTIFICATE OF SERVICE

I BARRY RANDALL THOMAS, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE NOTICE OF MOTION AND MOTION FOR EXTENSION OF TIME HAS BEEN PROVIDED TO THE BELOW LISTED PARTIES, BY PLACING SAID MOTION IN A POSTAGE PAID ENVELOPE AND MAILING VIA U.S. MAIL THIS 31 DAY OF AUGUST 2007 TO:

- (1) WILLIAM R. LUNSFORD
MAYNARD, COOPER, GALE PC
655 GALLATIN ST.
P.O. BOX 18668
HUNTSVILLE AL. 35804-8668
- (2) TARA S. KNEE
AL. DEPT. OF CORRECTIONS
P.O. BOX 301501
MONTGOMERY, AL. 36130-1501

Barry R Thomas
BARRY RANDALL THOMAS # 178628/E2-6A
EASTERLING CORR. FAC.
200 WALLACE DR.
CLEG AL. 36017-2613

Barry R. Thomas 178628/E2-6A
 EASTERN CORP. INC AL
 200 WALLACE DR., CLISO AL
 36017-2613



OFFICE OF THE CLERK
 UNITED STATES DISTRICT COURT
 P.O. BOX 911
 MONTGOMERY AL 36101-0711

ATTN: 2:07-CV-630-MEF